

Minutes of a Regular Meeting

Approved 7/22/04

Town of Los Altos Hills PLANNING COMMISSION

Thursday, June 10, 2004, 7:00 p.m.
Council Chambers, 26379 Fremont Road
cc: Cassettes (1) #8-04

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Clow, Commissioners Mordo, Vitu, Cottrell & Kerns

Staff: Carl Cahill, Planning Director; Debbie Pedro, Associate Planner; Angelica Herrera Olivera, Assistant Planner; Lani Smith, Planning Secretary

The Planning Commission observed a moment of silence in memory of President Ronald Reagan who passed away this week.

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF NICHOLSON & YANG, Magdalena Road (APN 336-42-021) and 11639 Dawson Drive (44-04-LLA); A request for a lot line adjustment. (staff-Debbie Pedro)

Staff introduced this item noting the applicants are proposing to adjust the boundaries between the two parcels which will result in an exchange of approximately 1,500 square feet between the two properties. The Town has recently received an application from the owner of Parcel A to subdivide the 12.56 acre parcel and the lot line adjustment will facilitate future access to the upper portion of the lot from Dawson Drive. The subdivision application is currently under review by the Planning Department and will come before the Planning Commission for review in the near future. A few days ago, the Town received a letter from one of the neighbors at 11635 Dawson Drive who voiced concerns regarding the adjustment to create an access driveway for the future of a two lot subdivision at the back of his house. However, the application before the Commission is for a lot line adjustment only. The future subdivision and the subsequent site development on Parcel A is subject to a separate review process. Any concerns regarding the impact of the subdivision should be discussed at the subdivision application hearing which will likely be before the Commission in the few months.

OPENED PUBLIC HEARING

Steve Carmichael, representative for Mr. Nicholson, was present to observe only.

Harry Emerzian, 11670 Dawson Drive, asked if there was a pathway easement that runs in the area of the lot line? Staff answered stating no, only an emergency road access easement that runs between the two properties. If a pathway easement is required, it would be required at the subdivision application level.

Chris Vargas, Templeton Place, requested that staff check the records regarding no pathway easement as the Committee Pathway Map indicates an easement. The current Master Plan shows an existing easement right where the proposed driveway will go, on either Parcel B or on the right side (10 foot wide on both sides of the property line).

It was noted that staff can investigate the possibility of a pathway easement. However, even if there was an easement, this application for a lot line adjustment could move forward.

Jacinda Chan, 11635 Dawson Drive, reiterated information stated in her letter to staff objecting to the driveway and a new house which could possibly be very close to her property (noise, safety, privacy and security issues).

Donald Lull, 11623 Rebecca Lane, read the letter of concern from Preston, Jenny, Presley and Jacinda Chan stating he is at the end of this property and will have a similar letter to write when the time comes.

CLOSED PUBLIC HEARING

Commissioner Vitu stated that this is a ministerial action and they are not ruling on whether they think there should be a driveway access there or not. When a lot line adjustment comes in, if both lots comply to a very objective set of criteria, they have no alternative other than to approve it. At the subdivision hearing, there will be discussion regarding access. She voiced no problem with the application as presented. Commissioner Kerns agreed. Commissioners Mordo and Cottrell had no issue with the application. Chairman Clow understands from staff that the pathway is not affected by the lot line adjustment so he concurred with the other Commissioners.

MOTION SECONDED AND PASSED: Motion by Commissioner Vitu and seconded by Commissioner Kerns to forward a recommendation of approval of the lot line adjustment to the City Council, subject to the applicant's submittal of a legal description and plat map for each of the parcels and recordation of the certificates of compliance, Lands of Nicholson & Yang, Magdalena Road (APN 336-42-021) and 11639 Dawson Drive.

AYES: Chairman Clow, Commissioners Kerns, Cottrell, Vitu & Mordo
NOES: None

This item will appear on a future City Council agenda.

3.2 LANDS OF THURSTON, 27857 Moody Road (107-04-ZP-SD-VAR); A request for a Site Development Permit for a 600 square foot deck and a variance to encroach 27 feet into the side yard setback. (staff-Angelica Herrera Olivera)

Staff introduced this item by reviewing information provided in the staff report. Discussion ensued. Commissioner Mordo noted conflicting messages within the staff report. He asked if staff is recommending approval or denial. The Planning Director stated, in this case, staff is trying to provide an objective presentation for the Commission review. Chairman Clow asked if this variance is approved, could it be used as a precedent for a large number of houses on steep lots that want to have decks in the setback. The Planning Director responded Yes. The issue here is that outdoor living space could be created elsewhere on the lot. From the property owners perspective, the other locations do not have the vistas of the proposed location. Also, variance finding #2 is on the weak side.

OPENED PUBLIC HEARING

Carol and Peter Thurston, 27857 Moody Road, applicants, have lived on the property for over 34 years. Their effected neighbors have lived on their property for a similar amount of time. They were surprised when they did an addition that the property line was not where the barbed wire fence was located but actually 15 feet closer to their house. The neighbors have written a letter of support and indicted they would be willing to move the property line. Also, the view off the brick patio is to the bay; the view off the back side is to the mountains. When they added on, they added into the patio. Now they have lost that space so they are re-establishing an outdoor space for them to enjoy the view. He clarified that he would prefer not going through the time and expense of a lot line adjustment. He stated a contractor had placed the neighbor's drain field a couple hundred yards onto their property by mistake. He told the neighbor, no problem, as he was sure they will return the favor next time around. They have a very friendly relationship with the neighbors although he would prefer not going through a lot line adjustment.

Commissioner Cottrell asked if they have looked into, instead of moving the deck straight out into the setback, moving part of it around more where the brick patio is now? Mr. Thurston stated the brick patio is on an upper level with no place to stand. Landscaping the deck area was discussed.

Mr. Thurston commented on the thoroughness of the staff report.

CLOSED PUBLIC HEARING

Commissioner Mordo commented on the beautiful view from the proposed deck. However, he is uncomfortable with setting a precedent with a weak finding, and there is a solution by moving the property line. This is the right way to proceed. Commissioner Kerns agreed. This is a difficult situation with a house already encroaching into the setback. He could support a deck encroaching no more than the house. The ordinances are very clear as to what is or is not allowed in setbacks. He was concerned with setting a precedent. Commissioner Vitu also agreed. She could support a partial encroachment into the setback if they did not have alternate

places for a deck. Commissioner Cottrell was bothered by setting a precedent when there is an alternate location. Chairman Clow also agreed. He understands the justification for the request but it sets a precedent for future applications.

MOTION SECONDED AND PASSED: Motion by Commissioner Mordo and seconded by Commissioner Cottrell to deny the requested Site Development Permit and Variance based on the finding that a deck could be located elsewhere on the property without encroaching into the setback, Lands of Thurston, 27857 Moody Road.

AYES: Chairman Clow, Commissioners Cottrell, Kerns, Vitu & Mordo
NOES: None

This denial is subject to a 23 day appeal period.

4. OLD BUSINESS

4.1 Report from subcommittees-none

5. NEW BUSINESS

5.1 Discussion with Chris Vargas regarding setting dates for the pathway map study sessions in August and September. Commissioner Kerns asked if Mr. Vargas could discuss what has been done and what the process would be as they had gone through this in 2002. Mr. Vargas stated that the Committee set a road map back in February which is a 5 (five) Phase Plan to get the map updated. They are currently in Phase 1, where they go through the whole map and make recommendations on every off-road pathway. The recommendations are to either retain the path in the Master Plan or not to retain it. He described how they take the 1981 Map along with the current map, side by side, going quadrant by quadrant. They are also going through checking the accuracy of the easements. There are guidelines for making recommendations and justification with three reasons for adding a path; and/or three reasons to remove path (shown on a spread sheet). Commissioner Kerns asked if the justification went before Council at a public meeting.

Discussion ensued regarding Phase 1, what is a reasonable access; Phase 2, a public hearing with input; Phase 3, second review of the Map based on resident input, and Phase 4, to City Council for a hearing and adoption. For clarification, the Planning Director stated the Pathway Committee will be having a series of study sessions in late August or through September. Mr. Vargas stated they will be doing a few things before the hearing including special Pathway meetings where any resident who is near a newly added pathway recommendation (there are 6 to 8 places where they will propose to add a pathway) to provide their input before a public hearing. Notices will be sent out to residents within 300 feet of a newly proposed pathway. Discussion ensued regarding the following: cases where there is a pathway that maybe is not newly added, has not been constructed and property owners may not be aware of it; Town wide notice split in three sectors (east, west, south); pathway maps available on the web or at Town Hall; two special sessions (one with invited residents and study session with Planning Commission); scheduling

three (3) Planning Commission public hearing study sessions in September; the need for the Planning Commission recommendation; and the previous review by the City Council.

Commissioner Kerns stated that there is a 1981 Master Pathway Map which is intended to be a vision of where pathways would be. The map that was put together in 2002 was more of an easement map. He asked if the intent was to have one plan with vision and documentation of where easements are located. Mr. Vargas stated that there will be two maps: an easement map and a walkers map. Commissioner Kerns felt there was one additional map needed, a vision map similar to the 1981 Master Pathway Map. Mr. Vargas agreed, stating there will be a reality map, a vision map, and a politically correct map. Commissioner Kerns felt it would be nice to see all three maps (off road pathways only).

Further discussion ensued with Mr. Vargas suggesting to create categories for discussion: (1) looking at odds and ends; (2) connecting neighborhoods; (3) accessing a public space (schools, etc.); three sectors, three meetings; making only 5 or 6 groups maximum for discussion including a miscellaneous group; propose changes, suggestion that the mission being to either add or delete, not justify a path that is not being changed; taking input and produce a better map; people impacted on the 1981 Master Pathway Plan should be notified; making the map available before the Planning Commission study sessions so people can first go to the Pathway Committee. Mr. Vargas stated any residents within 300 feet from a newly added path will have a special invitation to attend the Pathway Committee August meeting. For clarification, the Planning Director stated that the suggestion was that the Pathway Committee not only hold a session for the new links but a series of sessions giving the Commission the product that has been tested by the public which will make the job easier. Mr. Vargas stated that the current proposal is to have an August meeting for the residents of newly added paths and three September meetings for everyone else. Commissioner Vitu felt the Committee should expand the scope of the August meeting to include the people who are on the 1981 Map who have not actually had an easement taken or pathway constructed. Commissioner Cottrell suggested dividing the Town into six segments and meet with the public on those and possibly only needing two meetings with the Commission looking at things that could not be resolved. Mr. Vargas stated that Phase 1 should be completed next Monday. and at that time they will be ready for resident input.

Discussion ensued regarding process and possibly having three sets of meetings. The Pathway Committee will have their initial meetings with residents in the different areas and then make recommendations to the Planning Commission. Another suggestion was to mail something to all the citizens informing them that there will be an information session, showing the map and making it available on the web. If they have an issue, they should go to the Pathway Committee. First meeting is only information on the map review at the Pathway Committee level. This will be more manageable.

MOTION SECONDED, AMENDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Kerns that the Pathway Committee will hold three information meetings with the public for input on their new map and act on it, if necessary, prior to coming to the Planning Commission so they can bring the Commission map or maps that have had public input including all of the 1981 pathways as well as the paths proposed to be added.

AYES: Chairman Clow, Commissioners Cottrell, Kerns, Vitu & Mordo
NOES: None

PASSED BY CONSENSUS: To schedule three Planning Commission/Pathway Committee map study sessions for September 28, 29 and 30th at 7:00 p.m. in the Council Chambers.

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for May 20th-cancelled
- 6.2 Planning Commission Representative for June 2nd, Commissioner Mordo, reported on the following: pulled from consent calendar, Lands of Pinewood School, 26800 Fremont Road; and proposed cable system regulatory ordinance.
- 6.3 Planning Commission Representative for June 16th-Commissioner Vitu
- 6.4 Planning Commission Representative for July 1st-Commissioner Clow

7. APPROVAL OF MINUTES

- 7.1 Approval of May 13, 2004 minutes

PASSED BY CONSENSUS: To approve the May 13, 2004 minutes.

8. REPORT FROM FAST TRACK MEETING- JUNE 1, 2004

- 8.1 LANDS OF DAVIDOVITS, 26063 Todd Lane (25-04-ZP-SD-GD); A request for a Site Development Permit for a 4,925 square foot new residence (maximum vertical height 27 feet). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING- MAY 25, JUNE 1 & 8, 2004

- 9.1 LANDS OF OLCOTT, 12950 Brendel Drive (79-04-ZP-SD); A request for a Site Development Permit for a landscape screening plan. Approved with conditions.
- 9.2 LANDS OF BOWERS, 25518 Hidden Springs Court (84-04-ZP-SD-VAR); A request for a Site Development Permit for a 45 square foot pool equipment enclosure (maximum height 8 feet), and a minor variance to encroach 2 feet into the side yard setback and exceed the allowable maximum floor area of the lot by 21 square feet. Approved with conditions.

9.3 LANDS OF DAVIS, 11510 Summit Wood Road (12-04-ZP-SD-GD); A request for a Site Development Permit for a 1,344 square foot addition (maximum vertical height 23 feet). Approved with conditions.

9.4 LANDS OF ASTIZ, 13901 W. Edith Avenue (78-04-ZP-SD); A request for a Site Development Permit for a 448 square foot pool and spa and hardscape improvements. Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 8:55 p.m.

Respectfully submitted,

Lani Smith
Planning Secretary